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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

FILED

16 MAY 31 4 11:11

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

Inmate Identification Number:

LARRY EARL RENO #112580(Enter above the full name of the plaintiff  
in this action)

## NOTICE TO FILING PARTY

It is your responsibility to  
notify the clerk in writing of any  
address change.

Failure to notify the clerk may  
result in dismissal of your case  
without further notice.

vs.

LUTHER STRANGE, ATTORNEY GENERALFOR THE STATE OF ALABAMABART HARMON, ASST. ATTORNEY GENERALFOR THE STATE OF ALABAMA(Enter above full name(s) of the defendant(s)  
in this action)

CV-16-MS-0890-W

## I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment?  
Yes (X) No ( )

- B. If the answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

## 1. Parties to this previous lawsuit:

Plaintiff: LARRY EARL RENO #112580

Defendant(s): LUTHER STRANGE, ATTORNEY GENERAL, STATE OF  
ALABAMA - BART HARMON, ASST. ATTORNEY GENERAL

2. Court (if Federal Court, name the district; if State Court, name the county)  
UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF ALABAMA
3. Docket number 7:12-cv-02534-RBP-JEO
4. Name of judge to whom case was assigned JOHN E. OTT, UNITED STATES  
MAGISTRATE JUDGE - ROBERT B. PROBST, UNITED STATES DISTRICT JUDGE.
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) CASE DISMISSED FOR FAILING TO STATE A CLAIM UPON  
WHICH RELIEF MAY BE GRANTED, PURSUANT TO 28 U.S.C. § 1915 A(b)
6. Approximate date of filing lawsuit JULY 24, 2012
7. Approximate date of disposition MARCH 27, 2013

II. Place of present confinement BIBB COUNTY CORRECTIONAL FACILITY

- A. Is there a prisoner grievance procedure in this institution?  
Yes ( ) No (X)
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ( ) No (X)
- C. If your answer is YES:
  1. What steps did you take? \_\_\_\_\_
  2. What was the result? \_\_\_\_\_
- D. If your answer is NO, explain why not: NOT APPLICABLE

## III. Parties.

In item (A) below, place your name in the first blank and place your present address in the second blank.

A. Name of Plaintiff(s) LARRY EARL BEND #112580  
 Address 565 BIBB LANE - BIBB CO. CORRECTIONAL FACILITY  
BRENT, ALABAMA 35034

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant LUTHER STRANGE  
 Is employed as STATE ATTORNEY GENERAL  
 at OFFICE OF ATTORNEY GENERAL, 501 WASHINGTON AVE., MONTGOMERY, ALA.

C. Additional Defendants BART HARMON, ASST. ATTORNEY GENERAL,  
OFFICE OF ATTORNEY GENERAL, 501 WASHINGTON AVE., MONTGOMERY, ALA. 36130

## IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

\* PLEASE SEE COMPLAINT ATTACHED HERETO.  
PLAINTIFF DOES NOT KNOW ANY OTHER WAY TO GIVE  
THIS COURT AN ADEQUATE OR CLEAR UNDERSTANDING  
OF HIS CLAIMS.

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

*SEE COMPLAINT ATTACHED HERETO*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on MAY 26, 2016

Larry E. Rone  
SIGNATURE

ADDRESS 565 BIBB LANE

BRENT, ALABAMA 35034

\_\_\_\_\_  
AIS # 112580

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

LARRY EARL RENO  
PLAINTIFF,

VS.

COMPLAINT

CIVIL ACTION NO. \_\_\_\_\_

LUTHER STRANGE, ATTORNEY  
GENERAL, STATE OF ALABAMA,  
BART HARMON, ASSISTANT  
ATTORNEY GENERAL,  
DEFENDANTS.

JURISDICTION AND VENUE

1) THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C. SECTION 1983 TO REDRESS THE DEPRIVATION, UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343(2)(3). PLAINTIFF SEEKS DECLARATORY RELIEF PURSUANT TO 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFFS CLAIMS FOR INJUNCTION RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

(2)

- 2) DEFENDANT LUTHER STRANGE IS THE ATTORNEY GENERAL OF THE STATE OF ALABAMA, AND IS LEGALLY RESPONSIBLE FOR THE CURRALL OPERATIONS OF THE OFFICE OF ATTORNEY GENERAL.
- 3) DEFENDANT BOB HARMON IS THE ASSISTANT ATTORNEY GENERAL AND IS LEGALLY RESPONSIBLE FOR HIS ACTIONS AS AN ADVOCATE OF THE STATE.
- 4) EACH DEFENDANT IS SUED INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT, EACH DEFENDANT ACTED UNDER THE COLOR OF STATE LAW.

#### FACTS IN CHRONOLOGICAL ORDER

- 5) FEBRUARY 22, 2011 - DEFENDANT STRANGE THROUGH ASSISTANT ATTORNEY GENERAL BENJAMIN ALBRITTON RESPONDED TO A PETITION FILED IN JEFFERSON COUNTY CIRCUIT COURT, AND FILED A MOTION [EX. A ENCLOSED]. THE MOTION STATED IN PART (PG. #2,3 at #6) "... BECAUSE THE CLAIMS, "IF" THEY HAD BEEN PRESENTED IN A RULE 32 PETITION, WOULD BE PROCEEDURALLY BARRED AS STEERING FROM AN UNTIMELY PETITION."

CASE NO. CV-2010-2301

6) JUNE 24, 2011 — PLAINTIFF FILED A PETITION FOR WRIT OF HABEAS CORPUS IN BIBB COUNTY CIRCUIT COURT, THE PROPER COURT OF JURISDICTION, AND IN COMPLIANCE WITH THE APPLICABLE LAWS AND RULES GOVERNING THE FILINGS... PURSUANT TO THE CODE OF ALA. 1975, TITLE 15.

CASE NO. CV-11-35.

"HABEAS CORPUS WAS 'THE ONLY' AVAILABLE PROCEDURE PLAINTIFF HAD TO CHALLENGE THE LEGALITY OF HIS DETENTION AND IMPRISONMENT." RULE 32 PETITION WAS PREVIOUSLY "REJECTED" BY THE STATE AS TIME-BARRED.

7) JULY 21, 2011 — BIBB CIRCUIT COURT ISSUED AN ORDER [EX. B] WHICH STATED... "THE RECORD INDICATES THAT MATTER INVOLVES A PETITION FOR HABEAS CORPUS RELIEF AGAINST THE ALABAMA DEPT. OF CORRECTIONS" AND HABEAS PETITION WAS ORDERED TRANSFERRED TO MONTGOMERY COUNTY CIRCUIT COURT.

"PETITION WAS CONFIRMED AS HABEAS PETITION BY THE ORIGINAL COURT OF JURISDICTION."

8) AUGUST 9, 2011 — MONTGOMERY CIRCUIT COURT ISSUED AN ORDER [EX. C] SETTING THE CASE FOR HEARING ON OCTOBER 19, 2011.  
CASE NO. CV-11-907

(4)

9) OCTOBER 17, 2011 — DEFENDANT'S STRANGE AND HARMFUL, WHILE IN THEIR OFFICIAL CAPACITY AS ADVOCATES OF THE STATE, AND WHILE UNDER THE COLOR OF STATE LAW, FILED A MOTION IN THE MONTGOMERY CIRCUIT COURT TO DISMISS HABEAS PETITION, OR IN THE ALTERNATIVE, "CONVERT TO A RULE 32 PETITION" AND TRANSFER TO JEFFERSON COUNTY CIRCUIT COURT [EX. D].

10) OCTOBER 27, 2011 — MONTGOMERY CIRCUIT COURT GRANTED THE STATE'S MOTION AND CONVERTED HABEAS PETITION TO AN "IMPROPER" TIME-BARRED RULE 32 PETITION [EX. E] THAT THE STATE HAD PREVIOUSLY "REJECTED" AS TIME-BARRED.

11) JUNE 2012 — JEFFERSON CO. CIRCUIT COURT DISMISSED RULE 32 PETITION AS TIME-BARRED [EX. F-G].  
 "PRE-DETERMINED" BY THE STATE ON FEBRUARY 27, 2011.  
CASE NO. CC-OB-376.60

### LEGAL CLAIMS

12) UNDER SECTION 2254(C) OF HABEAS CORPUS PROCEEDINGS, A PETITIONER HAS THE RIGHT UNDER THE LAWS OF THE STATE TO RAISE, BY ANY AVAILABLE PROCEDURE, THE QUESTION PRESENTED.



(5)

- 13) PRISONERS HAVE A FUNDAMENTAL CONSTITUTIONAL RIGHT TO USE THE COURT SYSTEM, AND THIS RIGHT IS BASED ON THE 1<sup>ST</sup>, 5<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS TO THE U.S. CONSTITUTION. "THIS RIGHT ALLOWS THE RIGHT TO FILE A HABEAS PETITION."
- 14) FEBRUARY 2011 - "EX. A" - STATE REJECTS RULE 32 PETITION AS TIME-BARRIED.  
OCTOBER 2011 - "EX. D-E" HABEAS PETITION IS CONVERTED TO A TIME-BARRIED PETITION.
- 15) THE DEFENDANT'S ACTIONS SHOW A FUNDAMENTALLY UNFAIR OR IMPROPER EVENT. IT IS AN INSTANCE OF PLAIN OR FUNDAMENTAL ERROR BY DEFENDANTS THAT VIOLATES PLAINTIFFS 1<sup>ST</sup>, 5<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS TO THE U.S. CONSTITUTION THAT GUARANTEES THE RIGHT TO "ACCESS THE COURTS".
- 16) WHEN HABEAS PETITION WAS CONVERTED TO A TIME-BARRIED PETITION, PLAINTIFF WAS DEPRIVED OF HIS RIGHT TO HABEAS CORPUS PROCEEDINGS, AND WAS DEPRIVED OF HIS RIGHT TO A FACT FINDING EVIDENTIARY HEARING NECESSARY TO PROVE AND ESTABLISH THE FACTS OF HIS CLAIMS OF ILLEGAL DETENTION AND IMPRISONMENT. IT IS A VIOLATION OF PLAINTIFFS DUE PROCESS RIGHTS, 14<sup>TH</sup> AMENDMENT, THAT GUARANTEES "EQUAL PROTECTION OF THE LAW".

- 17) THE PLAN OR FUNDAMENTAL ERRORS OF DEFENDANTS STRAUSS AND HARVEY "CAUSED" THE CIRCUIT COURT OF MONTGOMERY CO. TO CONVERT HARVEY'S PETITION TO AN IMPROPER, TIME-BARRED PETITION, WHICH IN TURN "CAUSED" THE DEPRIVATION OF PLAINTIFFS RIGHTS GUARANTEED BY THE UNITED STATES CONSTITUTION.
- 18) PLAINTIFF WAS EXPOSED TO A MENACE ON HARVEY'S CORPUS IN OCTOBER 2011 (SEE EX. C). PLAINTIFF WAS DEPRIVED OF HIS RIGHTS BY THE FUNDAMENTALLY ULCARE ERRORS BY THE DEFENDANTS THAT CAUSED THE VIOLATIONS OF PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.
- 19) THE VIOLATIONS OF PLAINTIFFS 1<sup>ST</sup>, 5<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS CAUSED SUBSTANTIAL INJURY TO THIS PLAINTIFF, AND THIS INJURY IS CONTINUOUS AND ONGOING.
- 20) SINCE BECOMING AWARE OF RELEVANT FACTS PERTAINING TO THE LEGALITY OF PLAINTIFFS DETENTION AND IMPRISONMENT IN JUNE OF 2010, PLAINTIFF HAS DILIGENTLY PURSUED HIS RIGHTS TO HAVE HIS CLAIMS HEARD IN STATE AND FEDERAL COURT.

- 21) AFTER MORE THAN 5 YEARS OF DILIGENTLY PURSUING THIS MATTER, NO COURT OF LAW HAS REACHED THE MERITS OF PLAINTIFFS CLAIMS... NO COURT OF LAW HAS ANSWERED PLAINTIFFS FEDERAL QUESTIONS OF THE LEGALITY OF DETENTION AND IMPRISONMENT.
- 22) THE VIOLATIONS OF PLAINTIFFS CONSTITUTIONAL RIGHTS CAUSED BY DEFENDANTS, IN THEIR OFFICIAL CAPACITY AND WHILE UNDER THE COLOR OF STATE LAW HAS CAUSED PLAINTIFF TO SUFFER IRREPARABLE HARM AND THIS HARM IS CONTINUOUS AND ONGOING.
- 23) THE PLAINTIFF HAS NO PLAIN, ADEQUATE, OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN. PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE IRREPARABLY INJURED BY THE CONDUCT OF THE DEFENDANTS UNLESS THIS COURT GRANTS THE DECLARATORY AND INJUNCTIVE RELIEF WHICH PLAINTIFF SEEKS.

## PRAYER FOR RELIEF

24) WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:

25) A DECLARATION THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.

26) A PRELIMINARY AND PERMANENT INJUNCTION ORDERING DEFENDANTS LUTHER STRANGE, ATTORNEY GENERAL, STATE OF ALABAMA, AND BART HARMON, ASSISTANT ATTORNEY GENERAL TO CORRECT THE CONSTITUTIONAL VIOLATIONS CAUSED BY THE PLAIN OR FUNDAMENTALLY UNFAIR ERRORS OF THE DEFENDANTS WHICH CAUSED THE DEPRIVATION OF PLAINTIFFS RIGHTS OF ACCESS TO THE COURTS...

THE DEPRIVATION OF PLAINTIFFS RIGHT TO HABEAS CORPUS PROCEEDINGS, WHICH DEPRIVED PLAINTIFF OF HIS RIGHT TO A FACT FINDING EVIDENTIARY HEARING NECESSARY TO PROVE AND ESTABLISH HIS CLAIMS OF ILLEGAL DETENTION AND IMPRISONMENT, AND TO FURTHER ORDER THAT PLAINTIFF IS ENTITLED TO HABEAS CORPUS PROCEEDINGS.

27) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER AND EQUITABLE.

DATED: MAY 26, 2016

RESPECTFULLY SUBMITTED,

SIGNATURE: Larry E. Reno

LARRY EARL RENO #112580

565 BIBB LANE

BRENT, ALABAMA 35034

I, LARRY EARL RENO #112580 HEREBY CERTIFY  
UNDER PENALTY OF PERJURY THAT ALL THE FOREGOING  
IS TRUE AND CORRECT.

EXECUTED ON THIS THE 26 DAY OF MAY 2016.

SIGNATURE: Larry E. Reno

LARRY EARL RENO #112580

565 BIBB LANE

BRENT, ALA. 35034

REC. 2-24-11

## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

LARRY EARL RENO, AIS# 112580

Petitioner,

v.

CHRIS SHARIT, DAVID M.  
BARBER, et al.

Respondents.

CASE NO. CV-2010-2301

MOTION TO DISMISS

Comes now the Respondent, David M. Barber, former Jefferson County District Attorney, by and through undersigned counsel, Assistant Attorney General Benjamin H. Albritton, and hereby moves to dismiss the August 19, 2010 pleading styled "Pursuant to The Code of Ala. 1975 Title 15 'PLAINTIFF PETITION FOR THE ISSUANCE OF WRIT OF HABEAS CORPUS' § 15-21-24 through § 15-21-34" filed by Larry Earl Reno. While styled as a petition for a writ of habeas corpus, the petition actually seeks post-conviction relief pursuant to Ala.R.Crim.P. Rule 32, and is due to be dismissed. Grounds for dismissal, are set forth below.

1. The Petition fails to state a claim upon which the relief sought can be granted.
2. Larry Earl Reno was convicted of the offense of robbery 1<sup>st</sup> on June 10, 2008. Upon information and belief of the undersigned, this conviction was never appealed and the petitioner never sought post conviction relief.
3. In the petition before this Court, ostensibly styled as a Petition For Writ Of Habeas Corpus, Reno argues that his conviction and resulting sentence are void due to an alleged error regarding his indictment, and, for this reason, asks this Court to order that he be immediately released from prison.

\* NOTHING IS EVER ALLEGED REGARDING AN ERROR OF INDICTMENT.

4. Regardless of its style, Reno's "Pursuant to The Code of Ala. 1975 Title 15 'PLAINTIFF PETITION FOR THE ISSUANCE OF WRIT OF HABEAS CORPUS' § 15-21-24 through § 15-21-34" (seeks post-conviction relief under Ala.R.Crim.P. Rule 32) and is due to be dismissed.

5. It is clear that, regardless of the style given it by Reno, the substance of Reno's petition seeks relief under Ala.R.Crim.P. Rule 32, and (asserts nonjurisdictional claims) that could have been raised at trial or on appeal. "The substance of a motion and not its style determines what kind of motion it is." *Boykin v. Law*, No. 1041058, 2006 WL 307826, at \*5 (Ala. Feb. 10, 2006). Reno cannot proceed in this manner. ("A habeas corpus petition cannot be used as a substitute for an appeal.") *Brooks v. State*, 615 So. 2d 1292, 1292 (Ala. Crim. App. 1993). "A petition for a writ of habeas corpus cannot be used to circumvent the requirements of Rule 32." *Salter v. State*, 606 So. 2d 209, 211 (Ala. Crim. App. 1992), *cert. denied*, No. 1911735 (Ala. Oct. 23, 1992) (emphasis in original). "A proceeding under...[Rule 32] displaces all post-trial remedies except post-trial motions under Rule 24 and appeal. Any other post-conviction petition seeking relief from a conviction or sentence shall be treated as a proceeding under this rule." Ala.R.Crim.P. Rule 32.4. That the petition is, in actuality, a Rule 32 petition, rather than a petition filed under Alabama Code (1975) §§ 15-21-4 and 15-21-6, is supported by the fact that Reno has filed this petition, in this Court -- the court of his conviction -- rather than the county in which he is incarcerated, Bibb County. See, e.g., *Roberts v. State*, 516 So. 2d 936, 937 (Ala. Crim. App. 1987) (dismissing unverified habeas petition under § 15-21-4); *State v. Corley*, 831 So. 2d 59, 60 (Ala. Crim. App. 2001) (proper venue for habeas petition under § 15-21-6 was county where petitioner was incarcerated).

6. Accordingly, this Court need not even address the plain lack of merit of Reno's claims. Rather, the petition itself should be dismissed, because the claims, if they had been

presented in a Rule 32 petition, would be procedurally barred as stemming from an untimely, successive petition, and because they could have been raised at trial or on direct appeal. *Ala.R.Crim.P.* Rule 32.2 (a)(3),(5), (b), (c). *See also Ex parte State (v. Lockett)*, 644 So. 2d 34 (Ala. 1994) (after the Court of Criminal Appeals directed trial court to return mistyled “habeas corpus” petition to defendant for resubmission as a Rule 32 petition, the Alabama Supreme reversed that judgment: “The claims raised in Lockett’s petition for a writ of habeas corpus could have been raised on direct appeal; therefore those claims are clearly precluded under Rule 32, A.R.Crim.P., and the trial court did not err in summarily dismissing the petition. Because Lockett’s claims are clearly precluded under Rule 32, there is no need to remand for an opportunity to file a proper Rule 32 petition.”).

7. Because the petition before this Court seeks Rule 32 relief, Reno has erroneously named Barber and others as respondents, rather than the State of Alabama alone. Each of these defendants would be entitled to state immunity and, in the cases Barber, prosecutorial immunity, if Reno’s petition was somehow construed to seek relief beyond Rule 32. *E.g., Ex parte Carter*, 395 So. 2d 65 (Ala. 1980); *Jones v. Benton*, 373 So. 2d 307, 309-310 (Ala. 1979); *Almon v. Gibbs*, 545 So. 2d 18, 20 (Ala. 1989).

### CONCLUSION

For these reasons, this Court should dismiss Reno’s “\*Pursuant to The Code of Ala. 1975 Title 15 ‘PLAINTIFF PETITION FOR THE ISSUANCE OF WRIT OF HABEAS CORPUS’ § 15-21-24 through § 15-21-34”



Respectfully submitted,

LUTHER STRANGE  
ATTORNEY GENERAL

/s/ Benjamin H. Albritton  
Benjamin H. Albritton ( ALB008 )  
ASSISTANT ATTORNEY GENERAL

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 22<sup>nd</sup> day of February, 2011, served a copy of the foregoing by first-class United States Mail, postage prepaid and addressed upon the following:

Larry Earl Reno, AIS# 112580  
Bibb Correctional Facility  
565 Bibb Lane  
Brent, AL 35034

/s/ Benjamin H. Albritton  
Benjamin H. Albritton  
ASSISTANT ATTORNEY GENERAL

**ADDRESS OF COUNSEL:**  
Office of the Attorney General  
501 Washington Avenue  
Montgomery, Alabama 36130-0152  
334-242-7300  
334-242-2433 (Fax)

4 "Ex. B"



**IN THE CIRCUIT COURT OF BIBB COUNTY, ALABAMA**

RENO LARRY EARL #112580,  
Plaintiff,

V.

THOMAS WILLIE, WARDEN,  
Defendant.

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)  
) Case No.: CV-2011-000035.00  
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**ORDER**

UPON A REVIEW OF THE FILE, THE RECORD INDICATES THIS MATTER INVOLVES A PETITION FOR HABEAS CORPUS RELIEF AGAINST THE DEPARTMENT OF CORRECTIONS, AND HAVING CONSIDERED THE SAME, IT IS ORDERED, ADJUDGED AND DECREED THIS CASE IS TRANSFERRED TO THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA.

**DONE this 21<sup>st</sup> day of July, 2011.**

**/s/ HON. MARVIN W. WIGGINS**  
**CIRCUIT JUDGE**

CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA  
FLORENCE CAUTHEN, CLERK

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

RENO LARRY EARL,  
Plaintiff,

V.

THOMAS WILLIE WARDEN,  
Defendant.

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Case No.: CV-2011-000907.00

"EX. C"

ORDER

This matter is hereby set Wednesday, October 19, 2011 at 10:00AM in Courtroom 3C of the Montgomery County Courthouse.

DONE this 9<sup>th</sup> day of August, 2011.

/s/ WILLIAM A. SHASHY  
CIRCUIT JUDGE

**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**LARRY EARL RENO, AIS #112580,**

**Petitioner,**

**VS.**

**WARDEN WILLIE THOMAS,**

**Respondent.**

**Case No. CV-2011-907**

"EX. D"

**MOTION TO DISMISS, OR IN THE ALTERNATIVE,**  
**MOTION TO CONVERT AND TRANSFER**

Comes now the Respondent, by and through undersigned counsel, and moves that this Petition for Writ of Habeas Corpus be denied and dismissed, or in the alternative, converted to a Rule 32 Petition and transferred to Jefferson County Circuit Court based upon the following:

1. Petitioner does not state a claim upon which relief can be granted under a writ of habeas corpus. The Petitioner is alleging violations concerning his conviction and/or sentence out of Jefferson County, Alabama, which must be filed according to Rule 32, A. R. Crim. P., not a petition for writ of habeas corpus. There is no relief available to the Petitioner under this complaint.

WHEREFORE, the premises considered, this Petition for Writ of Habeas Corpus is due to be denied and dismissed, or in the alternative, converted to a Rule 32 Petition and transferred to Jefferson County and that cost be assessed against the Petitioner.

Respectfully submitted,

Luther Strange  
Attorney General

Anne A. Hill (ADA054)  
General Counsel

/s/ Bart Harmon  
Bart Harmon (HAR127)  
Assistant Attorney General

**ADDRESS OF COUNSEL:**

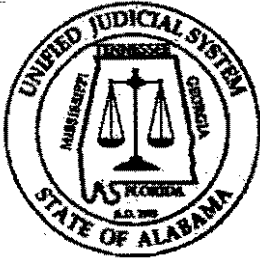
Alabama Department of Corrections  
Legal Division  
Post Office Box 301501  
Montgomery, Alabama 36130  
(334) 353-4859

**CERTIFICATE OF SERVICE**

I hereby certify that on the 17<sup>th</sup> day of October, 2011, I electronically filed the foregoing with the Clerk of the Court through ALAFILE e-filing system which will send notification of such filing to the following (or by U.S. Mail to the non-electronic participants):

Inmate Larry E. Reno #112580  
Bibb Correctional Facility  
565 Bibb Lane  
Brent, Alabama 35034-4040

/s/ Bart Harmon  
Bart Harmon (HAR127)  
Assistant Attorney General



AlaFile E-Notice

"EX. E"

03-CV-2011-000907.00

Judge: WILLIAM A. SHASHY

To: RENO LARRY EARL (PRO SE)  
AIS #112580  
565 BIBB LANE  
BRENT, AL 35034

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## NOTICE OF COURT ACTION

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

LARRY EARL RENO #112580 V WILLIE THOMAS WARDEN  
03-CV-2011-000907.00


A court action was entered in the above case on 10/27/2011 3:58:35 PM

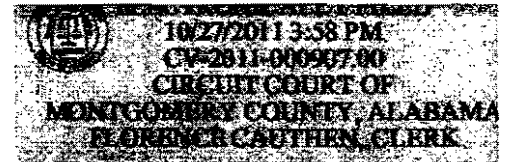
**D001 THOMAS WILLIE WARDEN**  
**CHANGE OF VENUE/TRANSFER**  
[Filer: HARMON BART GREGORY]

Disposition: GRANTED  
Judge: WAS  
Notice Date: 10/27/2011 3:58:35 PM

FLORENCE CAUTHEN  
CIRCUIT COURT CLERK  
MONTGOMERY COUNTY, ALABAMA  
251 S. LAWRENCE STREET  
MONTGOMERY, AL 36104

334-832-4950





**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA**

**RENO LARRY EARL,**  
**Plaintiff,**

**V.**

**THOMAS WILLIE WARDEN,**  
**Defendant.**

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)  
)  
) **Case No.: CV-2011-000907.00**  
)  
)  
)

**ORDER**

**MOTION FOR CHANGE OF VENUE/TRANSFER filed by THOMAS WILLIE WARDEN is hereby GRANTED and Transferred to Circuit Court of Jefferson County, Alabama.**

**DONE this 27<sup>th</sup> day of October, 2011.**

**/s/ WILLIAM A. SHASHY**  
**CIRCUIT JUDGE**



ELECTRONICALLY FILED  
6/18/2012 1:36 PM  
CC-2008-000376.60  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
ANNE-MARIE ADAMS, CLERK

IN THE CIRCUIT COURT, TENTH JUDICIAL CIRCUIT  
JEFFERSON COUNTY, ALABAMA  
CRIMINAL DIVISION

LARRY EARL RENO,

*Petitioner,*

vs.

STATE OF ALABAMA,

*Respondent.*

CASE NO. CC 2008-376.60

"EX. F"

MOTION TO DISMISS RULE 32 PETITION

COMES NOW the State of Alabama, by and through Brandon Falls, District Attorney for the Tenth Judicial Circuit, Jefferson County, Alabama and says in response to the petition heretofore filed the following:

1. Respondent respectfully requests this Honorable Court take judicial notice of its own records in the above referenced case.
2. The State of Alabama denies each and every allegation in Petitioner's motion jointly and severally and demands strict proof thereof.
3. Petitioner was convicted of Robbery First Degree on June 10, 2008 and sentenced to 85 years in prison on August 1, 2008. No appeal was filed. Petitioner is precluded from relief by operation of law because more than two years have elapsed since the time the conviction became final. Rule 32.2(c), Alabama Rules of Criminal Procedure.
4. Petitioner originally filed his petition in the Bibb County Circuit Court as a habeas corpus petition which was subsequently transferred to the Circuit Court of



Jefferson County. Because the relief requested can only be obtained through a Rule 32 petition, the State was directed to treat it as a Rule 32 petition and respond accordingly.

5. Petitioner is precluded from relief by operation of law as his claim could have been raised at trial. Rule 32.2(a)(3), Alabama Rules of Criminal Procedure.

6. Without waiving the aforementioned procedural bars, Respondent denies Petitioner's claim that the arrest warrant issued against him was fatally defective in that it is based on the affiant's opinion or conclusion and fails to state facts tending to establish the commission of the offense or probable cause that he committed the offense.

Petitioner's challenge to the validity of the arrest warrant is a non-jurisdictional claim and is precluded by the procedural bars of Rule 32.2(c), Alabama Rules of Criminal Procedure. Sumlin v. State, 710 So.2d 941 (Ala.Crim.App. 1998). This claim is also precluded because it could have been, but was not, raised at trial. Scroggins v. State, 827 So. 2d 878 (Ala.Crim.App. 2001). Furthermore, Petitioner's claim that the arrest warrant does not state sufficient facts to establish the commission of an offense is false. The arrest warrant (attached as an exhibit to Petitioner's motion) clearly states that the Petitioner committed a theft of \$8,048.00 from Compass Bankshares, Inc. while armed with a deadly weapon, to-wit: a pistol.

7. Respondent avers that no material issue of law or fact exists which would entitle the Petitioner to relief under Rule 32, and that no purpose would be served by any further proceedings. Rule 32.7, Alabama Rules of Criminal Procedure.

**WHEREFORE, PREMISES CONSIDERED**, and in consideration of Rule 32.7(d), ALA.R.CRIM.P., Respondent, the State of Alabama, respectfully moves this

Honorable Court to dismiss the above styled petition without an evidentiary hearing.

Respectfully submitted this the 18<sup>th</sup> day of June 2012.

*s/ F. Brady Rigdon*

F. Brady Rigdon  
Deputy District Attorney

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801 R. Arrington Blvd. No.  
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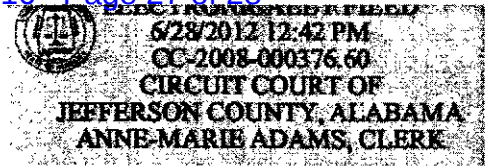
**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the above and foregoing via electronic filing or by placing same in the U. S. Mail, postage prepaid on the 18<sup>th</sup> day of June 2012 as follows:

Larry Earl Reno  
AIS# 112580 E3-21A  
Bibb County Correctional Facility  
565 Bibb Lane  
Brent, AL 35034

*s/ F. Brady Rigdon*

F. Brady Rigdon  
Deputy District Attorney



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

STATE OF ALABAMA

V.

RENO LARRY  
Defendant.

)  
)  
)  
)  
)  
)  
)

Case No.: CC-2008-000376.60

"EX. G"

**ORDER**

Petitioner was convicted of Robbery First Degree on June 10, 2008 and sentenced to 85 years in prison on August 1, 2008. No appeal was filed. Petitioner is precluded from relief by operation of law because more than two years have elapsed since the time the conviction became final. Rule 32.2(c), Alabama Rules of Criminal Procedure.

Petitioner originally filed his petition in the Bibb County Circuit Court as a habeas corpus petition which was subsequently transferred to the Circuit Court of Jefferson County. Because the relief requested can only be obtained through a Rule 32 petition, the State was directed to treat it as a Rule 32 petition and respond accordingly.

Petitioner is precluded from relief by operation of law as his claim could have been raised at trial. Rule 32.2(a)(3), Alabama Rules of Criminal Procedure.

Petitioner's claim that the arrest warrant issued against him was fatally defective in that it is based on the affiant's opinion or conclusion and fails to state facts tending to establish the commission of the offense or probable cause that he committed the offense.

Petitioner's challenge to the validity of the arrest warrant is a non-jurisdictional claim and

is precluded by the procedural bars of Rule 32.2(c), Alabama Rules of Criminal Procedure. Sumlin v. State, 710 So.2d 941 (Ala.Crim.App. 1998). This claim is also precluded because it could have been, but was not, raised at trial. Scroggins v. State, 827 So. 2d 878 (Ala.Crim.App. 2001). Furthermore, Petitioner's claim that the arrest warrant does not state sufficient facts to establish the commission of an offense is false. The arrest warrant (attached as an exhibit to Petitioner's motion) clearly states that the Petitioner committed a theft of \$8,048.00 from Compass Bankshares, Inc. while armed with a deadly weapon, to-wit: a pistol.

There are no material issue's of law or fact which would entitle the Petitioner to relief under Rule 32, and that no purpose would be served by any further proceedings. Rule 32.7, Alabama Rules of Criminal Procedure.

WHEREFORE, PREMISES CONSIDERED, and in consideration of Rule 32.7(d), Ala.R.Crim.P., The State of Alabama's Motion to dismiss is granted with costs taxed to Petitioner.

DONE this 28<sup>th</sup> day of June, 2012.

/s/ TOMMY NAIL  
CIRCUIT JUDGE